

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNEST M. ROBERTS,

Defendant.

Case No. CR06-421-JLR

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on February 21, 2013. The defendant appeared pursuant to a summons issued in this case. The United States was represented by Katheryn Warma, and defendant was represented by Peter Avenia. Also present was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on October 9, 2007, by the Honorable James L. Robart for Conspiracy to Defraud the United States with Respect to Claims, False Claims to the IRS, Fraudulent Use of Another Person's Identification, and Conspiracy to Commit Bank Fraud. He received 21 months of detention and 5 years of supervised release.

On October 24, 2011, a violation report and request for summons was submitted to the

1 Court alleging that Mr. Roberts had violated his conditions of supervision by failing to make
2 monthly payments towards restitution and leaving the Western District of Washington without
3 permission. On December 2, 2011, at the suggestion of all parties, the Court took no action for
4 the aforementioned violations.

5 **PRESENTLY ALLEGED VIOLATIONS**

6 In a petition dated January 22, 2013, U.S. Probation Officer Jerrod Akins alleged that
7 defendant violated the following conditions of supervised release:

- 8 1. Failing to make regular monthly restitution payments, in violation of the special
9 condition that any unpaid amount of restitution is to be paid during the term of
10 supervision in monthly installments of not less than 10% of his gross monthly
11 household income.
- 12 2. Failing to submit a truthful and complete written monthly report as instructed, in
13 violation of standard condition 2.

14 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

15 Defendant admitted the above violations, waived any hearing as to whether they
16 occurred, and was informed the matter would be set for a disposition hearing on March 12, 2013,
17 at 10:30 a.m. before District Judge James L. Robart.

18 **RECOMMENDED FINDINGS AND CONCLUSIONS**

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 21st day of February, 2013.

22 
23 DEAN BRETT
United States Magistrate Judge